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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

OCT 31 1991

Federal Communications Commission  
Office of the Secretary

In the Matter of )  
 )  
UACC MIDWEST, INC., d/b/a UNITED )  
ARTISTS CABLE MISSISSIPPI GULF COAST, )  
 )  
Complainant, )  
 )  
v. ) File No. PA-91-0005  
 )  
SOUTH CENTRAL BELL TELEPHONE COMPANY, )  
 )  
Respondent. )

DOCKET FILE COPY ORIGINAL

TO: The Common Carrier Bureau

MOTION FOR EXTENSION OF TIME

South Central Bell Telephone Company ("South Central Bell"), pursuant to Section 1.46 of the Commission's Rules, respectfully moves for a 30 day extension of time to file a response to the captioned pole attachment complaint. Good cause exists for the grant of this Motion, as set forth below.

On September 10, 1991, Complainant filed the captioned proceeding challenging the pole attachment rates of South Central Bell. South Central Bell received no notice from either the Complainant or the Commission that the captioned complaint had been filed until October 30, 1991, when South Central Bell learned through a telephone call to the Commission that the Complaint had been filed on September

10, 1991.<sup>1</sup>

In adopting Section 1.1407 of the Rules, the Commission indicated that public notice would be given of the filing of pole attachment complaints:

"A complaint will be assigned a file number after cursory examination for completeness, i.e., compliance with the requirements listed in Section 1.1404 of the Rules. Such acceptance for filing will appear on public notices issued by the Commission. Responses, replies and all submissions or motions in these proceedings should include reference to the file number assigned to the initial complaint or Stay Petition." (Emphasis added).<sup>2</sup>

South Central Bell alleges on information and belief that no public notice was made by the Commission of the filing of the captioned complaint, as contemplated by the Order quoted above. Nor did South Central Bell receive actual notice that the captioned complaint had been accepted for filing, either from the Complainant or the Commission, as is required by Section 208(a) of the Communications Act.<sup>3</sup>

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<sup>1</sup>South Central Bell did receive a service copy of the Complaint dated September 9, 1991. Under Section 1.47 of the Commission's Rules, however, service by mail may be made "on or before the day on which the document is filed." Since the service copy may be mailed at any time prior to the filing of the complaint, receipt of the service copy cannot be deemed to be notice that a complaint has been filed.

<sup>2</sup>In the Matter of Adoption of Rules for the Regulation of Cable Television Pole Attachments, CC Docket No. 78-144, Memorandum Opinion and Second Report and Order, 72 F.C.C. 2d 59, 75 (1979).

<sup>3</sup>47 U.S.C. Sec. 208(a) states, in relevant part: "a statement of the complaint thus made shall be forwarded by the Commission to such common carrier, who shall be called upon to satisfy the complaint or to answer the same in writing within a reasonable time to be specified by the

South Central Bell intends to respond to the captioned complaint. The Commission's rules require that such a response

"set forth justification for the rate, term, or condition alleged in the complaint not to be just and reasonable. Factual allegations shall be supported by affidavit of a person or persons with actual knowledge of the facts and exhibits shall be verified by the person who prepares them."<sup>4</sup>

Since South Central Bell did not learn of the filing of the captioned Complaint until October 30, 1991, it respectfully requests a period of thirty (30) days from that date to prepare and file its Response. Complainant will not be prejudiced by such an extension of time, since any relief that may be ordered in this proceeding will relate back to the date of filing of the complaint, and will include interest.<sup>5</sup>

In accordance with Section 1.46(c) of the Rules, South Central Bell has orally notified counsel for the Complainant and the Commission staff personnel responsible for acting on this Motion that this Motion is being filed.

WHEREFORE, South Central Bell respectfully submits that it has shown good cause for an extension of time to file a

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Commission . . . ."


<sup>4</sup> 47 C.F.R. Sec. 1.1407(a).

<sup>5</sup> 47 C.F.R. Sec. 1.1410(c).

response in this proceeding, and requests that this motion  
be granted.

Respectfully submitted,

SOUTH CENTRAL BELL  
TELEPHONE COMPANY

By:   
William B. Barfield  
M. Robert Sutherland

Their Attorneys  
1155 Peachtree Street, N.E.  
Suite 1800  
Atlanta, Georgia 30367-6000  
(404) 249-2647

Date: October 31, 1991

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Complainant,	)	
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v.	)	File No. PA-91-0005
	)	
SOUTH CENTRAL BELL TELEPHONE COMPANY,	)	
	)	
Respondent.	)	

TO: The Common Carrier Bureau

ORDER

South Central Bell Telephone Company seeks a thirty day extension of time within which to respond to the captioned complaint. South Central Bell alleges that it did not receive actual notice of the filing of the complaint until October 30, 1991. It states that in adopting the Rules governing pool attachment complaints, the Commission stated that it would give public notice of the filing of pole attachment complaints and the file number assigned to such complaints. South Central Bell alleges on information and belief that no such public notice was given as to the captioned complaint. South Central Bell alleges that it has shown good cause for an extension of time under Section 1.46 of the Rules, and that an extension of time will not prejudice the complainant, since any relief that may be granted in this proceeding will relate back to the date of

filing of the complaint and will include interest on any amounts that may be refunded.

Considering the foregoing, the Commission finds that South Central Bell Telephone Company has shown good cause for an extension of time within which to respond to the captioned complaint. South Central Bell therefore is granted a thirty (30) day extension of time to file its Response. The time for Complainant's Reply, if any, is also extended by thirty (30) days. Ordered is entered this \_\_\_\_ day of November, 1991.

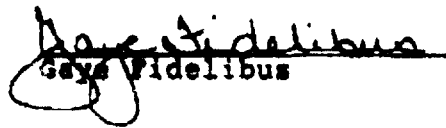
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FEDERAL COMMUNICATIONS COMMISSION

CERTIFICATE OF SERVICE

I hereby certify that I have this 31st day of October, 1991 serviced all parties to this action with a copy of the foregoing MOTION FOR EXTENSION OF TIME by placing a true and correct copy of same in the United States mail, postage prepaid, addressed to:

Paul Glist  
UACC Midwest, Inc., d/b/a United  
Artists Cable Mississippi Gulf Coast  
Cole, Raywid & Braverman  
1919 Pennsylvania Avenue, N.E.  
Washington, D.C. 20006

  
Gaye Fidelibus